

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH)	C.A. No. 1:05-CV-11148-PBS
BENEFITS FUND, PIRELLI ARMSTRONG)	
RETIREE MEDICAL BENEFITS TRUST;)	
TEAMSTERS HEALTH & WELFARE FUND)	
OF PHILADELPHIA AND VICINITY;)	
PHILADELPHIA FEDERATION OF)	
TEACHERS HEALTH AND WELFARE)	
FUND; DISTRICT COUNCIL 37, AFSCME -)	
HEALTH & SECURITY PLAN; JUNE)	
SWAN; MAUREEN COWIE and BERNARD)	
GORTER,)	
)
Plaintiffs,))
)
v.))
)
FIRST DATABANK, INC., a Missouri)	
corporation; and McKESSON)	
CORPORATION, a Delaware corporation,)	
)
Defendants.)	

**[PROPOSED] STIPULATION TO MODIFY THE COURT'S BRIEFING SCHEDULE
REGARDING THE COURT'S HEARING ON PLAINTIFFS' METHOD OF
CALCULATING AGGREGATE DAMAGES FOR THE TPP CLASS**

Counsel for Plaintiffs and Defendant McKesson Corporation (collectively “the parties”) hereby stipulate and agree to amend the Court’s briefing schedule regarding the hearing on Plaintiffs’ method of calculating aggregate damages for the TPP class, which was set at the Court’s September 20 status conference. The proposed modification would not require an extension of the November 13 hearing, if the Court finds it has sufficient time for review from the date of the surreply filing.

At the status conference, McKesson advised the Court that it would need time to respond to Dr. Hartman’s report as it applies to the Court’s Class Certification Order and McKesson

agreed to file its response by October 15. Plaintiffs agreed to file a reply brief along with Dr. Hartman's response to Dr. Willig's report within 10 days. However, Plaintiffs did not anticipate that Dr. Hartman would be completing his expert reports in *AWP* this week, and Plaintiffs desire the added time to adequately address the issues raised by McKesson's Response. A modest extension is appropriate.

Plaintiffs have conferred with McKesson, who has graciously agreed to modify the scheduling order as follows:

Plaintiffs' Reply: Due October 29

McKesson's Surreply: Due November 8

Respectfully submitted,

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND, PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST,
TEAMSTERS HEALTH & WELFARE FUND
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PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE
FUND, DISTRICT COUNCIL 37,
AFSCME - HEALTH & SECURITY PLAN;
JUNE SWAN; MAUREEN COWIE and
BERNARD GORTER

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on October 16, 2007.

/s/ Steve W. Berman

Steve W. Berman